

Application No.: 10/016,744

Case No.: 54404US009

Remarks

Claims 1-12 are pending. Claim 1 has been amended.

Applicants respectfully request reconsideration of the application in view of the following remarks.

Amendments to the Claims

Claim 1 has been amended to correct a grammatical error. No new matter is introduced by the amendment.

Interview Summary

Applicants gratefully acknowledge the courtesy of Examiner Lewis in granting a telephone interview conducted August 9, 2004 with Applicants' representative, Christopher Gram. Claim 1 was discussed, particularly with respect to the Campbell reference (U.S. Pat. No. 4,379,454) cited in the outstanding Office Action. Applicants' representative pointed out deficiencies in the teaching of Campbell. Those arguments are reproduced below. Examiner Lewis acknowledged that the claims were patentable over Campbell.

§ 102 Rejections

Claims 1-6, 11, and 12, of which claim 1 is the only independent claim, stand rejected under 35 USC § 102(a) as being anticipated by U.S. Pat. No. 4,379,454 ("Campbell"). Applicants respectfully traverse the rejection.

M.P.E.P. § 2131 states, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (quoting *Verdegaal Bros. V. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). Applicants submit that Campbell cannot anticipate the rejected claims because Campbell fails to set forth each and every element recited in the claims. Because each of claims 2-6, 11, and 12 depends, directly or indirectly from claim 1, the following remarks will be made with reference to claim 1 only. However, the remarks apply to each of claims 2-6, 11, and 12 as well.

Claim 1 recites:

A drug delivery dressing comprising:

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at least one *fluid control film* component comprising at least one microstructure-bearing surface having one or more channels therein that permit directional control of the liquid; and
...(emphasis added)

Specifically, Applicants submit that Campbell fails to set forth a drug delivery dressing comprising at least one fluid control film component comprising at least one microstructure-bearing surface. Applicants' disclosure defines fluid control film component at page 8, lines 4-7 as follows: a film or sheet or layer having at least one major surface comprising a *microreplicated pattern* capable of manipulating, guiding, containing, spontaneously wicking, transporting, or controlling, a fluid (emphasis added). The fluid control films and microreplicated patterns thereon are further characterized at page 8, lines 21-30. Exemplary microreplicated patterns are illustrated, for example, in Figs. 6a-6j and Figs. 7a-7c. Applicants respectfully submit that Campbell fails to teach set forth a fluid control film component, as recited in claim 1 – i.e., a film that contains a microreplicated pattern.

Campbell teaches a self-adhering skin patch for coadministering a drug and a percutaneous absorption enhancer. In some embodiments, the patch can include a diffusion membrane layer (15) (column 4, lines 9-13). The diffusion membrane layer (15) in Campbell does not include a microreplicated pattern, part of the definition of fluid control film, as recited in claim 1. Campbell cannot, therefore, anticipate claim 1.

The rejection of claims 1-6, 11, and 12 under 35 USC § 102(a) as being anticipated by Campbell is improper and should be withdrawn.

§ 103 Rejections

Claims 7, 8, and 10 stand rejected under 35 USC § 103(a) as being unpatentable over Campbell. Applicants respectfully traverse the rejection.

Applicants submit that the present rejection fails to establish a *prima facie* case of obviousness. § 706.02(j) of the M.P.E.P. states that to establish a *prima facie* case of obviousness, three basic criteria must be met:

- (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference(s) or combine the reference teachings;
- (2) there must be a reasonable expectation of success; and

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(3) the prior art reference must teach or suggest all of the claim limitations.

Applicants submit that Campbell fails to teach or suggest all of the limitations of claims 7, 8, and 10. Because each of claims 7, 8, and 10 depends, directly or indirectly from claim 1, these claims include all of the limitations of claim 1. Applicants submit, for at least all of the reasons presented above, that Campbell fails to teach or suggest a drug delivery dressing comprising at least one fluid control film component comprising at least one microstructure-bearing surface.

The rejection of claims 7, 8, and 10 under 35 USC § 103(a) as being unpatentable over Campbell has been overcome and should be withdrawn.

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Conclusion

In view of the above, Applicants submit that the application is in condition for allowance.
Reconsideration of the application and allowance of claims 1-12 is requested.

Respectfully submitted,

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Date

By: Christopher D. Gram
Christopher D. Gram, Reg. No.: 43,643
Telephone No.: 651-733-1507

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833